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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,852	04/20/2001	Michael S. Lopke	10008057-1	3030

7590 02/03/2005

HEWELETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/839,852

Applicant(s)

LOPKE ET AL.

Examin r

Asad M Nawaz

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2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the amendment filed on October 15, 2004. Claims 5 and 20 were amended to alleviate minor informalities. No other claims were amended, added, or cancelled. Claims 1-25 are pending.
2. Acknowledgment of the terminal disclaimer filed on October 15, 2004 is made.

Response to Amendment

3. Applicant's arguments, see amendment, filed October 15, 2004, with respect to the rejections of claims 1-25 have been fully considered and are persuasive. Therefore, all rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hericy et al (US PG PUB 2002/0083188).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-25 rejected under 35 U.S.C. 102(e) as being anticipated by Hericy et al (US PG PUB 2002/0083188) hereinafter referred to as Hericy.

As to claim 1, Hericy teaches a method comprising:

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receiving, from a client, a request for a document; (0024)

assigning a session ID to uniquely identify a session established with the client;
(0025-0027)

generating a time stamp; (Abstract; fig 2; 0027, 0035)

associating the time stamp with the session ID; (0027, 0035)

serving the document along with a time stamp and an executable script to the
client, the executable script being configured to return the time stamp when the
document is rendered on the client; (Abstract; Fig 2; 0025-0039)

receiving the time stamp from the client; (0025-0039)

deriving a document render time from the time stamp, the document render time
being indicative of a time period from when the request for the document is
generated at the client to when the document is rendered at the client; (Fig 2;
0025-0039)

logging the document render time in association with the session ID that is
associated with the time stamp from which the document render time is
associated;(0025-0027; 0043)

and determining an average render time per user as a function of one or more
logged document render times for a common session ID. (0025-0027)

Claims 7-9, 11, 12, 17, 22, and 23 are essentially the method, server system,
architecture, and computer readable media for the claim above and recite similar
limitations. Therefore, these claims are rejected under similar rationale.

As to claim 2, Hericy teaches a method as recited in claim 1, wherein the document comprises a web page. (0003)

Claims 13 and 18 are essentially the server system and architecture for the claim above and are thus rejected under similar rationale.

As to claim 3, Hericy teaches a method as recited in claim 1, wherein the deriving comprises computing a time period from the time stamp and a current time, the time period representing the document render time. (Fig 2; 0025-0039)

Claims 9, 14, 19, 20, and 24 are essentially the method, server system, architecture, and computer readable media for the claim above and are thus rejected under similar rationale.

As to claim 4, Hericy teaches a method as recited in claim 1, wherein multiple document render times for a given session ID are logged, and the determining further comprises computing an average render time per user by averaging the document render times for the common session ID. (0005; 0025-0027)

Claims 10 and 15 are essentially the server system and method for the claim above and are thus rejected under similar rationale.

As to claim 5, Hericy teaches a method as recited in claim 1, further comprising sending the session ID together with the time stamp to the client and receiving the

session ID and the time stamp back from the client upon execution of the script.

(Abstract; Fig 2; 0025-0039)

Claim 16 is essentially the server system for the claim above and is thus rejected under similar rationale.

As to claim 6, Hericy teaches a method as recited in claim 1, further comprising logging the average render time. (0013; 0027)

As to claim 21, Hericy teaches an architecture as recited in claim 17, further comprising a browser resident at the second computer to render the document. (0012)

As to claim 25, Hericy teaches a computer-readable media as recited in claim 23, further comprising computer-executable instructions that, when executed by one or more processing units, direct one or more computing devices to serve the session ID along with the time stamp and to return the session ID with the time stamp back to the server. (Fig 2; 0025-0039)

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOSAIN ALAM
SUPERVISORY PATENT EXAMINER